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|            |   |    |
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10/07/96 14:43

'908 738 8728

BECK, WEI &amp; CO

0002

DEANS POND CROSSING HOMEOWNERS' ASSOCIATION, INC.

1

FORECASTED OPERATING BUDGETBASED ON INITIAL YEAR OF FULL OCCUPANCY (333 UNITS)

|  | <u>Monthly</u> | <u>Annual</u> |
|--|----------------|---------------|
| <u>FORECASTED INCOME</u>                   |                |               |
| 333 Units at \$11 Per Month                | \$ 3,663       | \$ 43,956     |
| <u>FORECASTED OPERATING EXPENSES</u>       |                |               |
| <u>Service and Maintenance</u>             |                |               |
| Lawn Maintenance                           | \$ 330         | \$ 3,960      |
| <u>General and Administrative</u>          |                |               |
| Management Fee                             | 1,998          | 23,976        |
| Insurance                                  | 571            | 6,852         |
| Legal and Accounting                       | 300            | 3,600         |
| Office Expense                             | 175            | 2,100         |
| Total General and Administrative           | 3,044          | 36,528        |
| <u>RESERVES (Page 2)</u>                   | 289            | 3,468         |
| <u>TOTAL FORECASTED OPERATING EXPENSES</u> | \$ 3,663       | \$ 43,956     |

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10/07/98 14:44

TR08 738 8726

BECK. WE & CO

0003

DEANS POND CROSSING HOMEOWNERS' ASSOCIATION, INC.  
FORECASTED RESERVES FOR REPLACEMENT AND CONTINGENCIES  
BASED ON INITIAL YEAR OF FULL OCCUPANCY (333 UNITS)

|  | <u>Estimated<br/>Replacement<br/>Costs</u> | <u>Useful<br/>Life<br/>Years</u> | <u>Monthly</u> | <u>Annual</u>   |
|--|--|----------------------------------|----------------|-----------------|
| <u>RESERVE FOR<br/>REPLACEMENT</u>     |  |                                  |                |                 |
| Bike Way                               | \$ 23,040                                  | 10                               | \$ 192         | \$ 2,304        |
| <u>RESERVE FOR<br/>CONTINGENCIES *</u> |  |                                  | 97             | 1,164           |
|  |  |                                  | <u>\$ 289</u>  | <u>\$ 3,468</u> |

\* To provide for excessive replacements and any unforeseen or catastrophic occurrence.

BK4388PG197

10/07/86 14:44

T806 738 8726

DECK, WE' & CO

0004

DEANS POND CROSSING HOMEOWNERS' ASSOCIATION, INC.

NOTES TO FORECASTED OPERATING BUDGET

BASED ON INITIAL YEAR OF FULL OCCUPANCY (333 UNITS)

A. Description of Business Activities

The Association was formed on July 23, 1986 to provide for the maintenance, preservation and control of the common elements and facilities of Deans Pond Crossing Homeowners' Association, Inc., which consists of 313 single family homes and 10 duplex condominium units (20 units), located in the Township of South Brunswick, New Jersey.

NOTE 1 - Insurance - Cost based on quote from Brounell Kramer Waldor Kane Agency.

NOTE 2 - Management Fee - Cost based on quote from Midlantic Property Management charge of \$6 per unit per month.

NOTE 3 - Other Costs and Expenses - Based on management's prior experience.

NOTE 4 - Lawn Maintenance - Cost based on quote from Brushill Nursery and Landscape Services.

BK4388PG198



State of New Jersey  
DEPARTMENT OF COMMUNITY AFFAIRS

CHRISTINE TODD WHITMAN  
Governor

JANE M. KENNY  
Commissioner

11/27/96

JONATHAN HEILBRUNN ESQ  
HEILBRUNN FINKELSTEIN ET AL  
2501 HIGHWAY 516  
OLD BRIDGE NJ 08857

RE: FINAL NOTICE OF CONDITIONAL EXEMPTION  
Exemption # 7368  
DEANS POND CROSSING  
SOUTH BRUNSWICK  
Lot: 6.04+ Block: 87/30  
Number of units: 333

DEAR ATTORNEY OF RECORD:

Having received the Disclosure Notice filled out in the proper manner,  
Planned Real Estate Development herewith grants the final Notice of  
Conditional Exemption and has affixed the exemption number hereto.

The project sponsor may begin the sale of units by providing all  
prospective purchasers with a copy of the Notice along with other sales  
materials and appropriate documents.

Very truly yours,

*Stewart P. Palilonis*

Stewart P. Palilonis, Manager  
Planned Real Estate Development

SPP/wm



Bureau of Homeowner Protection  
CN 805 Trenton, New Jersey 08625  
Fax 609/530-8858  
New Jersey Is An Equal Opportunity Employer • Printed on Recycled Paper and Recyclable

BK4388PG199



# DISCLOSURE NOTICE PLANNED RESIDENTIAL DEVELOPMENT

NAME OF DEVELOPMENT: Deans Pond Crossing STREET ADDRESS: 4 Rockingham Road, MUNICIPALITY: South Brunswick  
LOCATION OF SALES OFFICE

THE DEVELOPMENT LISTED ABOVE, CONTAINING LESS THAN 10 UNITS OR INTERESTS OR CONTAINING UNITS ENTIRELY AFFORDABLE TO PERSONS OF LOW AND MODERATE INCOME AS DEFINED BY: (N.J.S.A. 52:27D-301 et seq.) and (N.J.A.C. 5:14-4, 5:80-26, AND/OR 5:92-12), HAS BEEN CONDITIONALLY EXEMPTED FROM REGISTRATION UNDER THE PLANNED REAL ESTATE DEVELOPMENT FULL DISCLOSURE ACT (5:26-2.2 (a) 10) BY THE

NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS  
DIVISION OF CODES AND STANDARDS  
PLANNED REAL ESTATE DEVELOPMENT SECTION (PRED)

THIS EXEMPTION IS CONDITIONED UPON THE SPONSOR'S OBLIGATION TO PROVIDE YOU WITH THE INFORMATION ON THIS DISCLOSURE NOTICE IN ORDER FOR YOU TO MAKE AN INFORMED DECISION REGARDING YOUR INVESTMENT. YOU SHOULD BE AWARE THAT LARGE INVESTMENTS SUCH AS THIS MAY CONTAIN INTRICATE INFORMATION THAT MAY REQUIRE THE ADVICE OF A QUALIFIED ATTORNEY OR TAX CONSULTANT. PLEASE NOTE THAT THE DEPARTMENT OF COMMUNITY AFFAIRS HAS NEITHER APPROVED OR DISAPPROVED OF THE MERITS OF THIS OFFERING. BE SURE TO READ ALL DOCUMENTS CAREFULLY BEFORE SIGNING THEM.

1. NAME OF DEVELOPER: DEANS POND DEVELOPERS, L.L.C.  
ADDRESS OF THE DEVELOPER: Post Office Box 457  
STREET: 90 Woodbridge Center Dr.  
CITY: Woodbridge STATE: N.J. ZIP: 07095  
TELEPHONE: 908-750-1111 BUILDER REGISTRATION NUMBER: 25214  
2. NAME OF DEVELOPER'S AGENT: JONATHAN M. HELLBRUNN, P.S.C.

3. DESCRIPTION OF THE OFFERING: New Construction ☒ VACANT CONVERSION ☐ OCCUPIED CONVERSION ☐  
TOTAL # OF UNITS PROPOSED ENTIRE DEVELOPMENT: XX COMPLETION DATE: Dec. 20  
TOTAL # OF UNITS PRESENTLY BEING OFFERED: 44 PHASE COMPLETION: 4/98  
TYPES OF UNITS OFFERED:

DETACHED ☒APARTMENT CONVERSION ☐TOWNHOME ☐CONVERSION FROM NON-RESIDENTIAL ☐NON-RESIDENTIAL ☐DUPLEX OR TWIN ☒

\*313 single family detached homes; 20 low and moderate income condominium units

4. FLOOD HAZARD ZONE ON OR ADJACENT TO THE SITE: YES ☐ NO ☒  
PLEASE TURN THIS PAGE OVER FOR MORE INFORMATION

PLANNED REAL ESTATE DEVELOPMENT (PRED) (609) 530-5474  
MAILING ADDRESS: CN 805 TRENTON, NEW JERSEY 08625

BR4388FC200

UNDER THE TERMS OF THIS EXEMPTION THE SPONSOR OF THIS DEVELOPMENT IS OBLIGATED TO PROVIDE YOU WITH THE FOLLOWING INFORMATION WHICH MUST BE MADE READILY AVAILABLE FOR YOUR INSPECTION IN THE DEVELOPMENT SALES OFFICE.

1. THE MASTER DEED, BY-LAWS OF AN ASSOCIATION, AND RULES AND REGULATIONS, IF ANY, GOVERNING THE OPERATION OF THE DEVELOPMENT.
2. THE PROPOSED MANAGEMENT PLAN FOR THE OPERATION OF THE COMMON FACILITIES OF THE DEVELOPMENT, INCLUDING:
  - A. WHO WILL CONTROL THE ASSOCIATION
  - B. ANY CURRENT MANAGEMENT CONTRACT
  - C. ANY PROPOSED MAINTENANCE AGREEMENT
3. A STATEMENT OF THE RELATIONSHIP OF THE DEVELOPER TO THE SERVICE PROVIDER, IF ANY.
4. THE PROPOSED BUDGET FOR THE OPERATION AND MAINTENANCE OF THE COMMON FACILITIES WITH THE PROPOSED ANNUAL ASSESSMENT, INCLUDING THE ANNUAL SET ASIDE FOR RESERVES FOR REPLACEMENT OF THE COMMON FACILITIES.
5. THE FINAL PLAT PLAN, IF APPLICABLE, APPROVED BY THE LOCAL PLANNING BOARD SHOWING APPROPRIATE SIGNATURES OF APPROVAL. THIS PLAN SHOWS AMENITIES, FACILITIES AND IMPROVEMENTS.

A. ARE COMMON FACILITIES OPEN ONLY TO THE HOMEOWNERS AND THEIR INVITED GUESTS? YES ☐ NO ☒

THE OWNER OR DEVELOPER OF THIS PROPERTY IS OBLIGATED TO OBTAIN AN EXEMPTION FOR THIS PROPERTY FROM PRED PRIOR TO ANY SALE OF UNITS OR INTERESTS

E- (7368)

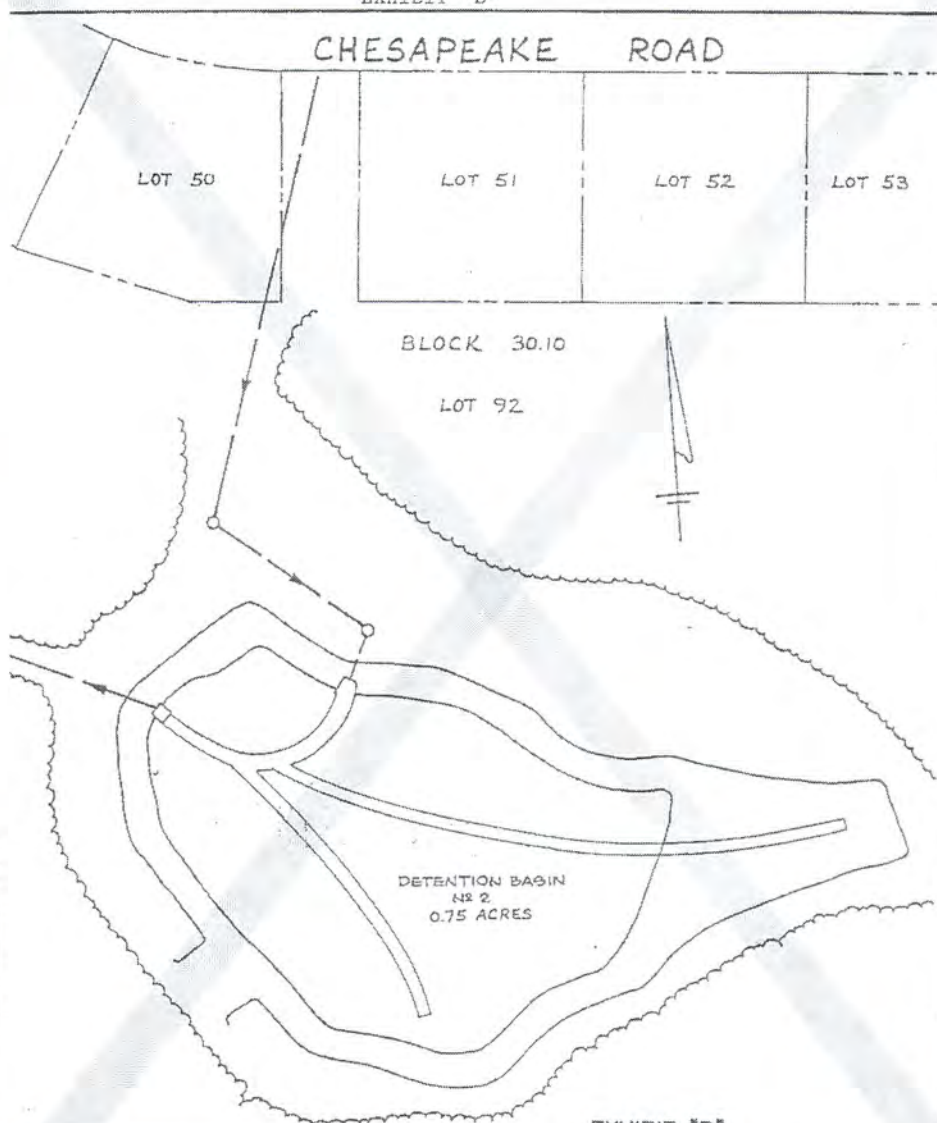
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EXHIBIT "A"



EXHIBIT "B"



NOTE: ALL INFORMATION SHOWN HEREON IS IN ACCORDANCE WITH PLANS ENTITLED "PRELIMINARY SUBDIVISION PLANS, DEANS POND CROSSING" PREPARED BY THE CHESTER PARTNERSHIP.

BK4388PG203

EXHIBIT "B"

SKETCH OF  
DETENTION BASIN # 1  
DEANS POND CROSSING

TOWNSHIP OF SOUTH BRUNSWICK  
MIDDLESEX COUNTY NEW JERSEY

*The Chester, Mousas, Fisanich Partnership*

PLANNING • ARCHITECTURE • ENGINEERING • SURVEYING  
100 METRO PARK SOUTH, LAUREL HARBOR, NEW JERSEY 08726 (609) 666-0287  
500 INTERNATIONAL DRIVE, SUITE 200, NEW JERSEY 07033 (201) 961-8008

|            |         |
|------------|---------|
| FILE NO.   | 04047   |
| DATE       | 12-9-88 |
| SCALE      | 1"=50'  |
| DRAWN BY   | RTD     |
| CHECKED BY | MB      |
| DATE       |         |
| SHEET      | 1 OF 4  |



EXHIBIT "B"

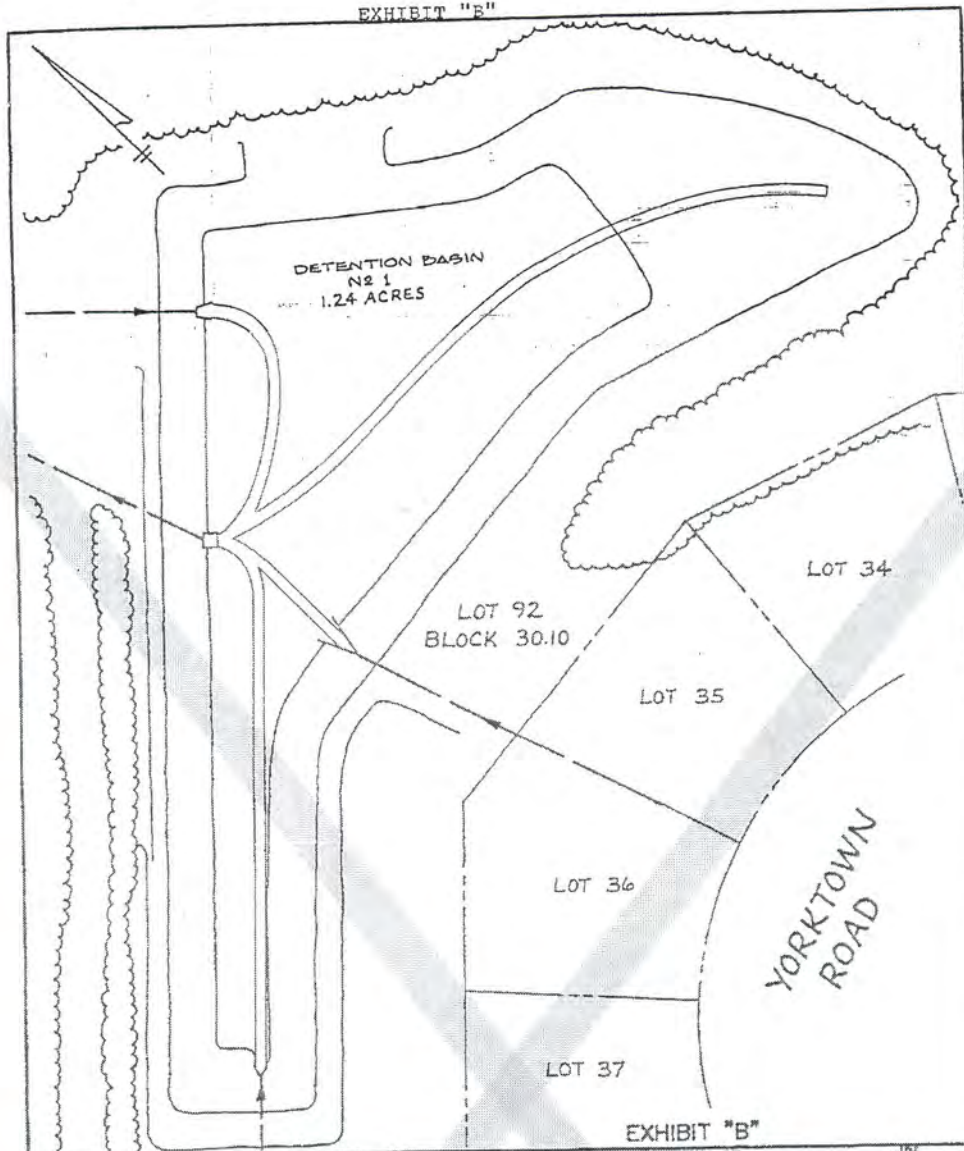


EXHIBIT "B"

NOTE: ALL INFORMATION SHOWN HEREON  
IS IN ACCORDANCE WITH PLANS ENTITLED  
"PRELIMINARY SUBDIVISION PLANS, DEANS  
POND CROSSING" PREPARED BY THE  
CHESTER PARTNERSHIP.

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|  |  |   |
|--|--|---|
| SKETCH OF<br>DETENTION BASIN # 2<br><b>DEANS POND CROSSING</b><br>TOWNSHIP OF SOUTH BRUNSWICK<br>MIDDLESEX COUNTY NEW JERSEY |  | FILE NO. 04047<br>DATE 12-9-98<br>SCALE 1"=50'<br>DRAWN BY RTD<br>CHECKED BY MP<br>ENGINEER INC.<br>100 METRO PARK SOUTH, LAURENCE HARBOR, NEW JERSEY 08008-0287<br>800 INTERNATIONAL DRIVE, MOUNT OLIVE, NEW JERSEY 08060-1006<br>SHEET NO. 2 OF 4 |
|--|--|---|

*The Chester, Thomas, Froschky Partnership*

PLANNING • ARCHITECTURE • ENGINEERING • SURVEYING



EXHIBIT "B"

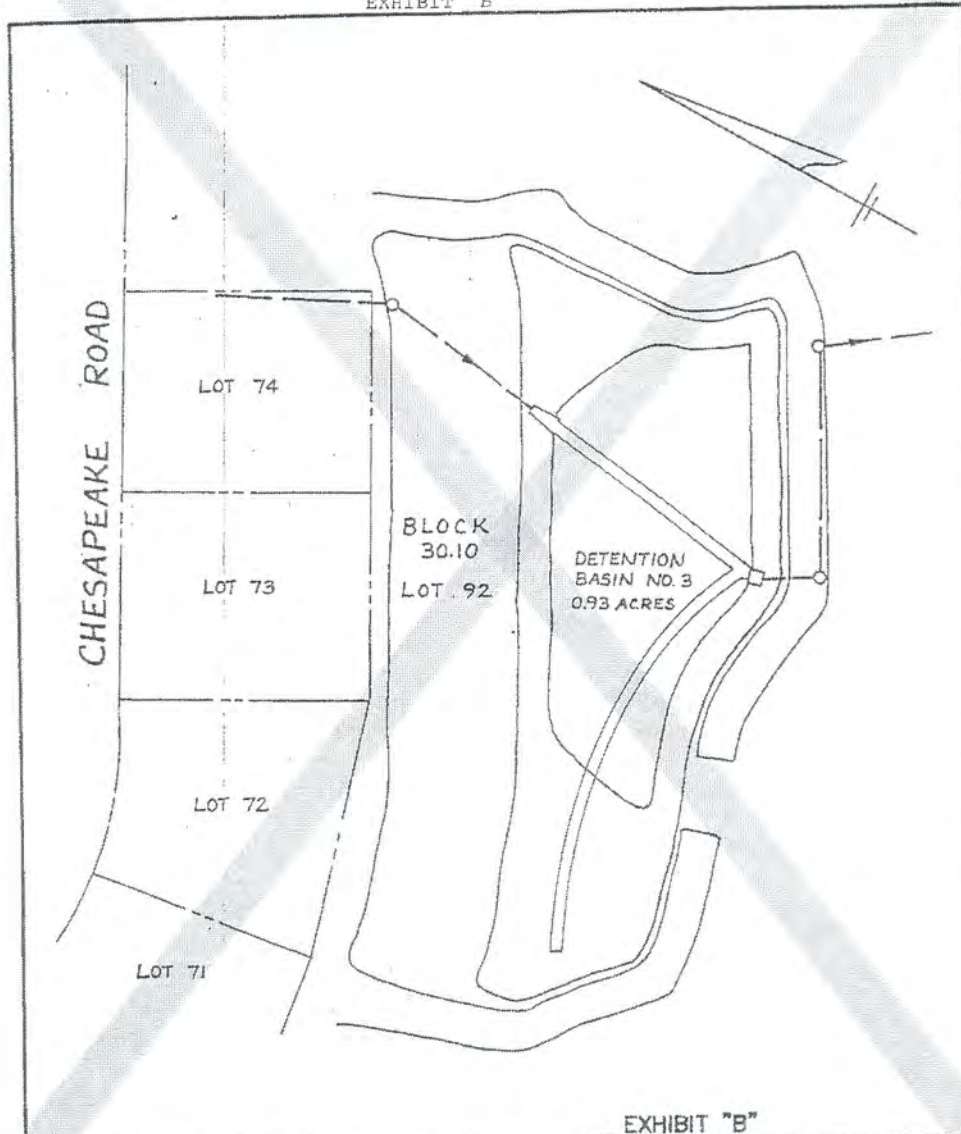


EXHIBIT "B"

NOTE: ALL INFORMATION SHOWN HEREON IS IN ACCORDANCE WITH PLANS ENTITLED "PRELIMINARY SUBDIVISION PLANS, DEANS POND CROSSING" PREPARED BY THE CHESTER PARTNERSHIP.

BK 4388PG205

SKETCH OF  
DETENTION BASIN # 3  
DEANS POND CROSSING

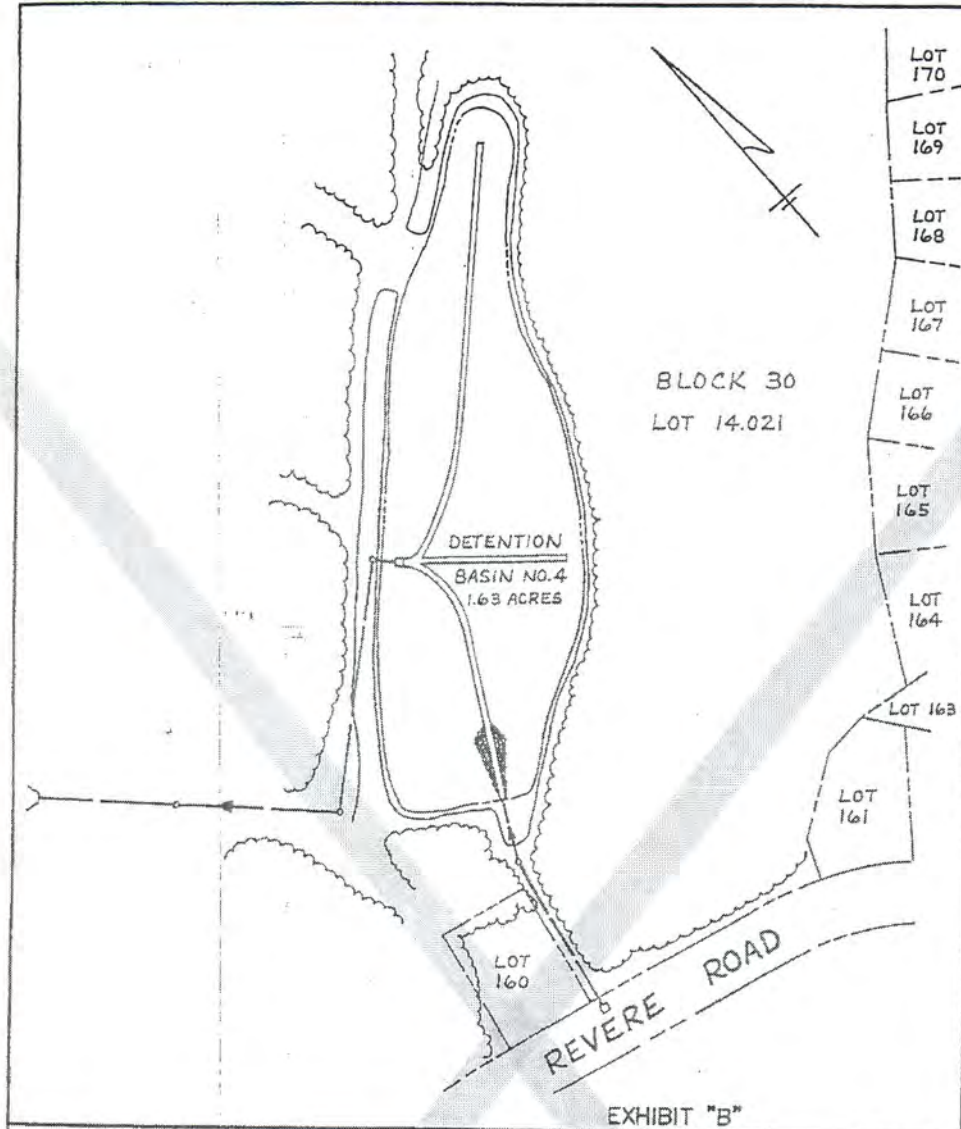
TOWNSHIP OF SOUTH BRUNSWICK  
MIDDLESEX COUNTY NEW JERSEY

*The Chester Partnership*

PLANNING • ARCHITECTURE • ENGINEERING • SURVEYING  
100 METRO PARK SOUTH, LAURENCE HARBOR, NEW JERSEY 08008 (908) 568-0127  
300 INTERNATIONAL DRIVE, MOUNT OLIVE, NEW JERSEY 07028 (201) 991-0008

|             |         |
|-------------|---------|
| FILE NO.    | 94047   |
| DATE        | 12-9-95 |
| SCALE       | 1"=50'  |
| DRAWN BY    | RTD     |
| CHECKED BY  | MB      |
| DESIGNED BY |         |
| NO.         | 3 OF 4  |

EXHIBIT "B"



NOTE: ALL INFORMATION SHOWN HEREON  
IS IN ACCORDANCE WITH PLANS ENTITLED  
"PRELIMINARY SUBDIVISION PLANS, DEANS  
POND CROSSING" PREPARED BY THE  
CHESTER PARTNERSHIP.

BK 4388PG206

|  |  |   |
|--|--|---|
| SKETCH OF<br>DETENTION BASIN # 4<br><b>DEANS POND CROSSING</b><br>TOWNSHIP OF SOUTH BRUNSWICK<br>MIDDLESEX COUNTY NEW JERSEY   |  | FILE<br>NO. 94047<br>DATE<br>12-9-98<br>SCALE<br>1"=100'    |
| <i>The Chester, Flemming, Pisonky Partnership</i>  |  | DRAWN BY<br>R.T.D.<br>CHECKED BY<br>M.P.<br>DATE<br>12-9-98 |
| PLANNING • ARCHITECTURE • ENGINEERING • SURVEYING<br>100 METRO PARK SOUTH, LAURENCE HARBOR, NEW JERSEY 08879 (908)466-0287<br>800 INTERNATIONAL DRIVE, MOUNT OLIVE, NEW JERSEY 07024 (301)991-0006 |  | SHEET<br>NO. 4 OF 4   |



## 10. PRIOR ROUND: SOUTHRIDGE/SOUTHRIDGE WOODS



*John T. Chadwick IV P.P.*

Professional Land Use Planner

3086 Rt. 27  
Suite 1  
P.O. Box 211  
Franklin Park NJ 08823

(908) 297-7669  
Fax (908) 297-0924



March 21, 1995

Affordable Housing Authority  
Attention: Arlyne De Sena  
TOWNSHIP OF SOUTH BRUNSWICK  
P.O. Box 190  
Monmouth Junction, New Jersey 08852-0190

RE: Final Affordable Housing Plan and Rent Stratification Schedule  
Southridge Woods

Dear Ms. DeSena:

I submit herewith final Affordable Housing Plan for Southridge Woods project in South Brunswick Township. The plan has been revised pursuant to our conference meeting of March 15, 1995 as follows:

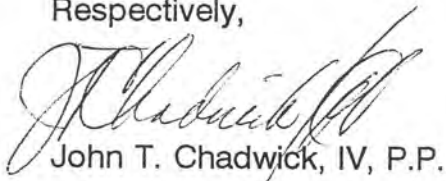
1. Page 5, last sentence, "sales price and" has been deleted.
2. Page 8, third paragraph, under subsection entitled "Declaration", the words "from the recording" has been deleted to the end of the sentence and the following added "from the date of certificate of occupancy issued for the Affordable Housing Unit.
3. The Rent Stratification Schedule for Buildings 2 and 4 has been deleted and replaced with forms prepared by the Township Affordable Housing Agency. The Stratification forms encompass the entire number of Affordable Housing Units (124 units.) The Stratification provides for an affordability of 56.3%.

Arlyn DeSena  
Affordable Housing Authority  
Township of South Brunswick  
March 21, 1995  
Page 2

RE: Southridge Woods

Please advise at your earliest convenience. Southridge Woods intends to place advertisement in accordance with the Affirmative Marketing Requirements of the Township Ordinance as soon as the plan has been approved.

Respectively,

A handwritten signature in cursive script, appearing to read "J. Chadwick, IV".

John T. Chadwick, IV, P.P.

JTC/mlc  
encls.

cc: Michael Roth

*roth*  
*sthrdwd.ahp*

**LOW AND MODERATE  
INCOME HOUSING PLAN**

**FOR**

**SOUTHRIDGE HILLS GARDEN APARTMENT  
PROJECT**

**FOR SECTION 2A AND 2B**

**TOWNSHIP OF SOUTH BRUNSWICK**

**MIDDLESEX COUNTY, NEW JERSEY**

**BY**

**WINDSOR ASSOCIATES**

**March 16, 1995**



## **INTRODUCTION**

The plan provides a realistic and workable schedule for implementation of low/moderate income housing in sequence with development of Southridge Garden Apartment Project, South Brunswick Township, New Jersey. The plan is prepared in accordance with applicable Township standards and regulations as set forth in the Township Zoning Article XIX and in accordance with applicable standards and regulation of the New Jersey Council on Affordable Housing.

Southridge Hills, Inc., predecessor in title to Windsor Associates, has received approval for the construction of 1,000 dwelling units contained in Sections 1, 2, 2A and 2B. Of the 1,000 approved dwelling units, 124 units are designated as affordable units.

Windsor Associates shall construct the 124 Affordable dwellings in Sections 2A and 2B which shall be rented and marketed in accordance with the provision of this Low and Moderate Priced Housing Plan, rules and regulations of the Township and regulations of the Township Zoning Ordinance. This plan sets forth the means and method of compliance.

All affordable units are located in garden apartment buildings located in block 85, lot 17.013 as shown on the official Tax Maps of South Brunswick Township. The location of Affordable housing units are identified on Exhibit I attached hereto and made a part of this plan.

The approved Sections of Southridge Hills, Inc. contain a total of 1,000 units. 208 are townhouse dwellings. 792 are garden apartments of which 124 are affordable to low and moderate income households. The 124 rental units shall consist of 72 senior citizen units and 52 two and three bedroom non-age restricted units.

**LOW AND MODERATE INCOME HOUSING SCHEDULE**

Southridge Hills Project contains 1,000 units of which 208 are townhouse units for sale and 792 are garden apartment units for rent of which 124 rental apartment units shall be affordable. Four (4) of the 124 affordable units have been transferred to Section 2A from a project known as Falcongate. This transfer was authorized by Planning Board resolution adopted 1/19/94 The location of all affordable units is shown on Exhibit I.

The schedules of delivery of low and moderate income units in accordance with requirements of the Township Zoning Code and resolutions of approval for Sections 2A and 2B are set forth hereafter.

Schedule of Construction and Occupancy  
for Sections 1, 2, 2A and 2B of Southridge Hills

| <u>% of Low<br/>&amp; Moderate Units</u> | <u># Units</u> | <u>%Market Units</u> | <u>#Units</u> |
|--|----------------|----------------------|---------------|
| 0  | 0              | 25                   | 219           |
| 10                                       | 13             | 25+ unit             | 220           |
| 50                                       | 62             | 50                   | 438           |
| 75                                       | 93             | 75                   | 657           |
| 100                                      | 124            | 90                   | 789           |
| --                                       | --             | 100                  | 876           |

The schedule of construction is as per COAH rules N.J.A.C. 5:92-10.4(c). All affordable units are located in Section 2A and 2B and shown on Exhibit I.

Schedule of Bedroom Distribution for Section 2A  
Non-Age Restricted Units

|          | <u>1 bedroom</u> | <u>2 bedroom</u> | <u>3 bedroom</u> | <u>Total</u> |
|----------|------------------|------------------|------------------|--------------|
| Low      | 0                | 12               | 14               | 26           |
| Moderate | 0                | 12               | 14               | 26           |
| Total:   | 0                | 24               | 28               | 52           |

Schedule of Bedroom Distribution for Section 2B  
Age Restricted Units

|          | <u>Efficiency</u> | <u>1 bedroom</u> | <u>Total</u> |
|----------|-------------------|------------------|--------------|
| Low      | 18                | 18               | 36           |
| Moderate | 18                | 18               | 36           |
| Total:   | 36                | 36               | 72           |



## MAXIMUM RENTAL CHARGES

The following procedure shall apply to determine maximum rental charges:

### Schedule of Affordability

As near as practical, the average rent shall be affordable to households at 57.5% of the median income by household size. Median income shall be established annually by the Council on Affordable Housing.

Prior to rental or re-rental of a low or moderate income housing unit, the South Brunswick Township Affordable Housing Authority shall determine the maximum rental charge that may be charged for that size unit in each income category.

### Base Rent

A base rent shall be calculated such that the sum of the monthly rental payment, excluding utilities, does not exceed thirty percent (30%) of the low or moderate income level of a qualified household.

### Affordability

In order to assure that low or moderate income housing units are affordable by a range of households whose income is less than the low or moderate income ceiling, the maximum gross rent that may be charged for each unit shall be such that the average of the gross rents charged for that size unit in each income category does not exceed the following percentage of the base price for that size unit in each of the following income categories:

- a) Low income: ninety percent (90%) of the base price.
- b) Moderate income: ninety percent (90%) of the base price.

In devising a range of affordability for rental housing, the developer shall ensure, as best as practicable, the following distribution of rental charges for lower-income rental units:

Rental Stratification

Low-Income

1/2 of all units at 40% to 45% of the median income base  
1/2 of all units at 46% to 50% of the median income base

Moderate-Income

1/3 of all units at 60% to 65% of the median income base  
1/3 of all units at 66% to 70% of the median income base  
1/3 of all units at 71% to 80% of the median income base

Market units and lower income units in the Southridge Hills development shall be exempted from municipal rent control.

Relationship between household size and unit size. For the purpose of determining base rental charges pursuant to the above, the ceiling incomes of the following household sized shall be used to determine the maximum rent for each of the following unit sizes:

| <u>Unit Size</u> | <u>Household Size<br/>(persons)</u> |
|------------------|-------------------------------------|
| Efficiency       | 1                                   |
| 1-bedroom        | 2                                   |
| 2-bedroom        | 3                                   |
| 3-bedroom        | 5                                   |
| 4-bedroom        | 7                                   |

Maximum Affordable Price Tables

The Affordable Housing Authority shall prepare and maintain tables of maximum affordable prices for low and moderate income households by unit size and a guide for determining maximum and rental charges for low and moderate income housing units.

### CERTIFICATE OF HABITABILITY COMPLIANCE

Prior to the occupancy of a dwelling unit which is classified as a low or moderate income unit under the affordable housing standards of this chapter, the owner shall be required to obtain a certificate of habitability compliance in the following manner:

(1) An application shall be filed with the Code Enforcement Officer, setting forth the property location and the date of the proposed reoccupancy.

(2) The Code Enforcement Officer or his designee shall inspect the property and shall issue a certificate within six (6) business days of receipt of the application. The certificate shall indicate whether or not the dwelling unit complies with the provisions of Chapter 127 of the Code of South Brunswick Township.

For the purpose of making such inspections, the Code Enforcement Officer or his designee shall be authorized to enter, examine and survey the dwelling unit at reasonable times and upon reasonable notice.

Whenever the Code Enforcement Officer or his designee determines that there has been a violation, he shall give notice of such violation to the person or persons responsible therefor. Notice shall be deemed to be properly served upon any present or prior owner or occupant either by personal service or certified mail. The notice shall set forth the deficiencies and the time period within which repairs must be completed.

Inasmuch as affordable housing units are constitutionally mandated and the township desires that such units shall be properly maintained, no fee shall be charged for the application for, inspection of or issuance of a certificate of habitability compliance pursuant to this section.



## NARRATIVE OF AFFORDABLE HOUSING PLAN

Southridge Hills, Inc. or its successors or assigns, will construct 124 low and moderate income rental apartment units within the proposed development. These units will be distributed throughout Section 2A and 2B shown on Exhibit I.

The Affordable Rental Units are shown on the floor plans of Southridge Hills on Exhibits IIA and IIB and attached hereto. All units located in Section 2A are family units and consist of two and three bedroom units. All units located in Section 2B are age restricted senior citizen units and consist of efficiency and one bedroom units.

### 1. DECLARATION OF COVENANTS AND RESTRICTIONS: PART OF PLAN:

DURATION: AMENDMENT: a Declaration of Covenants and Restrictions shall bear the following provision and the restrictions contained therein shall apply to all Affordable dwelling units.

Southridge Hills, comprised of a total of 1,000 residential dwellings, includes 124 residential dwellings known as Affordable dwelling units which are subject to Affordability Controls. The Affordable Housing Plan was a condition of approval of Southridge Hills by the Planning Board of the Township of South Brunswick in an effort to satisfy a portion of the Township's constitutional obligations with respect to making affordable housing available within the Township.

In addition to the foregoing restrictions, the rental of Affordable Units shall be subject to the rules and regulations of the Affordable Housing Agency of South Brunswick or its assigns. This agency or its assigns shall monitor and approve rental of Affordable Units to assure that the renter household of same shall be income eligible as defined by the Agency's Income criteria in effect at the time.

The terms, restrictions, provisions and covenants of the Housing Plan, and the provisions of the Declaration referring to and incorporating the Housing Plan, shall automatically expire and terminate thirty (30) years from date of certificate of occupancy issued for the Affordable Housing Unit.

Neither the Developer, the Owner nor the Township shall alter the provisions of this paragraph, or Plan without first obtaining the approval of both the Agency and the Planning Board of the Township of South Brunswick. Any such approved amendments or modification of this Plan shall be in writing and shall contain proof of Planning Board approval and shall not be effective unless and until recorded with the Middlesex County Clerk.

**2. AFFORDABLE HOUSING AUTHORITY:** The Township of South Brunswick, by Ordinance has established an Authority whose purpose, among others is to administer the provisions of this Housing Plan and to structure and enforce the mechanism and the criteria for the determination of who are qualified Low and Moderate Income renters constituting Qualified renters at the time of rent and for determining the allowable rental prices of Affordable dwellings. The Ordinance establishes the standards which the Authority shall apply, and the Authority shall, by rules and regulations, establish the details of the application of such standards and to the determination of the Low and Moderate Income renters constituting Qualified renters in accordance with the terms and provisions of the Housing Plan. The South Brunswick Township Affordable Housing Authority shall qualify tenants and provide a list of qualified renters to the developer.

**3. AFFIRMATIVE MARKETING PROGRAM**

(a) Windsor Associates shall have primary responsibility for carrying out this Affirmative Marketing Program.

(b) This Affirmative Marketing Program shall identify representative groups operating in the Township of South Brunswick and its respective housing region (for example, community based and civic organizations). At a minimum, Windsor Associates shall provide for advertisement in newspapers with general circulation in the following



urban areas: Jersey City, Newark, Elizabeth, Paterson, New Brunswick and Perth Amboy as required by section 175-145 of the Land Use Code of South Township Brunswick. Windsor Associates shall also notify the following agencies, on a regular basis, of the availability of any low or moderate income housing units: the Civil League of Greater New Brunswick, the Housing Coalition of Middlesex County, the Middlesex County Office of Community Development and other fair housing centers, housing referral organizations and government social service and public welfare departments located in the four-county region consisting of Middlesex, Somerset, Warren and Hunterdon Counties.

(c) The Affirmative Marketing Program shall commence at least 90 days before issuance of either temporary or permanent certificates of occupancy, and shall continue.

(d) Within all rounds of applicant selection, random selection of eligible applicants should prevail.

(e) Windsor Associates shall prepare progress reports on an 18 month cycle from the date of initial occupancy. These reports shall be filed with the Council on Affordable Housing and the South Brunswick Affordable Housing Authority. These reports shall provide an analysis of the actual characteristics of households occupying low and moderate income units.

**4. DEEDS OF CONVEYANCE PROVISIONS:** A Deed of Conveyance of Windsor

Associates for affordable rental units to other entity shall include the following clause:

The Owners' right, title and interest in this project and the use, sale and resale of this property are subject to the terms, conditions, restrictions, limitations and provisions as set forth in the Low and Moderately Priced Housing Plan of Southridge Hills dated \_\_\_\_\_ which plan was filed in



the Office of the Clerk of Middlesex County in Misc. Book \_\_\_\_\_ at  
Page \_\_\_\_\_ on \_\_\_\_\_ and is on file with the South Brunswick  
Township Clerk.

The above clause shall be in addition to the clause stating that the Project is  
subject to a Declaration of Covenants and Restrictions which clause will also appear in  
the Deed for block 85, lot 17.013 for all affordable units in this Development.

#### **5. STATEMENT OF EXEMPTION-LOW AND MODERATE INCOME DWELLINGS**

The South Brunswick Affordable Housing Authority shall, under certain circumstances,  
declare that the rental of low or moderate income dwelling is exempt from the restriction  
of rental to a low or moderate income family qualified renter. If no Low or Moderate  
Income Family being a Qualified Renter of Low or Moderate Income dwelling has  
become contractually obligated to complete the rental of a particular Low and Moderate  
income dwelling within six (6) months of the Developer's receipt of the certificate of  
occupancy for that Low and Moderate Income dwelling, Windsor Associates, its  
successors or assigns may petition the Council on Affordable Housing for relief pursuant  
to N.J.A.C. 5:93-9.16(c). If the Council approves the petition for exemption, the  
Township shall declare the rental of the Low or Moderate Income dwelling exempt from  
the restriction of rental to Low or Moderate Income Family and shall permit the rental  
of the Low or Moderate Income dwelling to a non-Low or Moderate Income Family.

The restrictions of rental to Qualified Renters in accordance with this Plan shall  
apply to all subsequent rentals of the Low or Moderate Income dwelling unless a new  
Statement of Exemption is issued pursuant to this section specifically for a subsequent  
rental transaction.

## **6. VIOLATION OF PLAN**

The South Brunswick Housing Authority shall serve a Notice of Breach upon the Owner in the event that the South Brunswick Housing Authority finds that the Owner has violated any provision of this Plan. The Owner shall have a period of sixty (60) days to either cure such violation or place the Affordable dwelling on the market for rent in accordance with the terms of this Plan. Failure or refusal of the Owner to either cure the violation or place the Affordable dwelling on the market for rent in accordance with the terms and restrictions of the Low and Moderately Priced Plan and diligently pursue same as provided herein shall automatically empower and entitle the Township to immediately commence court action to obtain a judgment against the Owner to the effect that the Owner is in violation of the terms, restrictions and provisions of this Low and Moderately Priced Housing Plan.

## **7. COVENANTS RUNNING WITH THE LAND**

The provisions of this Low and Moderately Priced Housing Plan shall constitute covenants running with the Land with respect to each Affordable dwelling affected hereby, and shall bind all purchasers, their heirs, assigns and all persons claiming by, through or under their heirs, executors, administrators and assigns. The terms, restrictions and covenants of this Plan shall, however, automatically expire and terminate thirty (30) years from the date of certification of occupancy issued for the affordable housing unit.



**8. DISCLOSURE STATEMENTS** Windsor Associates shall provide to qualified renter household a copy of existing regulations promulgated by the South Brunswick Affordable Housing Authority and a copy of this Affordable Housing Plan together with any duly approved and recorded amendments at the time the contract of Lease is executed and delivered to the prospective renter household.

**9. SERVICE UPON TOWNSHIP** Wherever in this document the Township of South Brunswick is authorized to receive letters, contracts or other documents, the Township Affordable Housing Authority shall be the entity to which same are delivered.

**10. CAPTION HEADINGS** All captions and headings in this Low and Moderate Priced Housing Plan are for purposes of reference only and shall not affect the interpretation or construction of any provision of this Low and Moderate Priced Housing Plan.

**11. SEVERABILITY** It is the intention of both South Brunswick Township and Windsor Associates that the provisions of this instrument are severable so that if any provisions, conditions, covenants or restrictions thereof shall be invalid or void under any applicable federal, state or local law, the remainder shall be unaffected thereby. In the event that any provisions, conditions, covenants or restrictions thereof, it is at the time of recording of this instrument, void, voidable or unenforceable as being contrary to any applicable federal, state or local law, both parties, their successors and assigns, and all persons claiming by, through or under covenant and agree that any future amendments or supplements to the said laws having the effect of removing said invalidity, voidability of enforceability, shall be deemed to apply retrospectively to this instrument operating to validate the provisions of this instrument which otherwise might be invalid and it is



covenanted and agreed that nay such amendments and supplements to the said laws shall have the effect herein described as fully as if they had been in effect at the time of the execution of this instrument.

**12. AGREEMENT** Southridge Hills shall construct the 124 affordable dwellings and agrees that all such designated Affordable dwellings shall be rented and marketed in accordance with the provisions of this Low and Moderately Priced Housing Plan, rules and regulations of the So. Brunswick Township Affordable Housing Authority and regulations of the South Brunswick Township Land Use Ordinance and COAH.

Dated:

ATTEST:

WINDSOR ASSOCIATES

\_\_\_\_\_

By: \_\_\_\_\_

ATTEST:

TOWNSHIP OF SOUTH BRUNSWICK

Affordable Housing Authority

\_\_\_\_\_

By: \_\_\_\_\_